

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Removal and Prohibition of:

No. 11F-BD001-BNK

3 **MARIA ABEL "MARIBEL" CAMPOS**  
3431 East Fillmore Street  
4 Phoenix, AZ 85008

5 Respondent.

**NOTICE OF HEARING AND INTENT  
TO REMOVE AND PROHIBIT FROM  
FURTHER PARTICIPATION IN ANY  
MANNER IN THE CONDUCT OF THE  
AFFAIRS OF A FINANCIAL  
INSTITUTION OR ENTERPRISE AND  
COMPLAINT**

7  
8 PLEASE TAKE NOTICE that, under Arizona Revised Statutes ("A.R.S.") §§ 6-138, 6-161,  
9 and 41-1092.02, the above-captioned matter will be heard through the Office of Administrative  
10 Hearings, an independent agency, and is scheduled for November 18, 2010, at 8:00 a.m., at the  
11 Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona, (602) 542-  
12 9826 (the "Hearing").

13 The purpose of the Hearing is to determine whether grounds exist to remove or prohibit  
14 Respondent from further participation in any manner in the conduct of the affairs of a financial  
15 institution or enterprise pursuant to A.R.S. §§ 6-161(A), (B), and (C), and to prohibit Respondent,  
16 after a removal order has become final, from further participation in any manner as a director,  
17 officer, employee, agent or other person in the conduct of the affairs of any financial institution or  
18 enterprise pursuant to A.R.S. § 6-161(E).

19 Pursuant to A.R.S. § 6-138, the Superintendent of Financial Institutions for the State of  
20 Arizona (the "Superintendent") delegates the authority vested in the Superintendent, whether implied  
21 or expressed, to the Director of the Office of Administrative Hearings or the Director's designee to  
22 preside over the Hearing as the Administrative Law Judge, to make written recommendations to the  
23 Superintendent consisting of proposed Findings of Fact, Conclusions of Law, and Order. The Office  
24 of Administrative Hearings has designated Lewis D. Kowal, at the address and phone number listed  
25 above, as the Administrative Law Judge for these proceedings. Pursuant to Arizona Administrative  
26 Code ("A.A.C.") Rule 2-19-104 and A.R.S. §§ 41-1092.01(H)(1) and 41-1092.08, the

1 Superintendent retains authority to enter orders granting a stay, orders on motions for rehearing, final  
2 decisions pursuant to A.R.S. § 41-1092.08 or other order or process which the Administrative Law  
3 Judge is specifically prohibited from entering.

4 Motions to continue this matter shall be made in writing to the Administrative Law Judge **not**  
5 **less than fifteen (15) days** prior to the date set for the Hearing. A copy of any motion to continue  
6 shall be mailed or hand-delivered to the opposing party on the same date of filing with the Office of  
7 Administrative Hearings.

8 A.R.S. § 41-1092.07 entitles any person affected by this Hearing to appear in person and by  
9 counsel, or to proceed without counsel when submitting evidence, to have a reasonable opportunity  
10 to inspect all documentary evidence, to cross-examine witnesses, to present evidence and witnesses  
11 in support of his/her interests, and to have subpoenas issued by the Administrative Law Judge to  
12 compel attendance of witnesses and production of evidence. Pursuant to A.R.S. § 41-1092.07(B),  
13 any person may appear on his or her own behalf or by counsel.

14 Pursuant to A.R.S. § 41-1092.07(E), a clear and accurate record of the proceedings will be  
15 made by a court reporter or by electronic means. Any party that requests a transcript of the  
16 proceedings shall pay the cost of the transcript for the court reporter or other transcriber.

17 Questions concerning issues raised in this Notice of Hearing should be directed to Assistant  
18 Attorney General Erin O. Gallagher, (602) 542-8935, 1275 West Washington, Phoenix, Arizona  
19 85007.

#### 20 **NOTICE OF APPLICABLE RULES**

21 On February 7, 1978, the Arizona Department of Financial Institutions (the "Department")  
22 adopted A.A.C. R20-4-1201 through R20-4-1220, which were amended September 12, 2001, setting  
23 forth the rules of practice and procedure applicable in contested cases and appealable agency actions  
24 before the Superintendent. The hearing will be conducted pursuant to these rules and the rules  
25 governing procedures before the Office of Administrative Hearings, A.A.C. R2-19-101 through R2-  
26

1 19-122. A copy of the procedures to be followed is enclosed.

2 Pursuant to A.A.C. R20-4-1209, Respondent shall file a written answer within **twenty (20)**  
3 **days** after issuance of this Notice of Hearing. The answer shall briefly state the Respondent's  
4 position or defense and shall specifically admit or deny each of the assertions contained in this  
5 Notice of Hearing. If the answering Respondent is without or is unable to reasonably obtain  
6 knowledge or information sufficient to form a belief as to the truth of an assertion, Respondent shall  
7 so state, which shall have the effect of a denial. Any assertion not denied is deemed admitted.  
8 When Respondent intends to deny only a part or a qualification of an assertion, or to qualify an  
9 assertion, Respondent shall expressly admit so much of it as is true and shall deny the remainder.  
10 Any defense not raised in the answer is deemed waived.

11 **If a timely answer is not filed, pursuant to A.A.C. R20-4-1209(D), Respondent will be**  
12 **deemed in default** and the Superintendent may deem the allegations in this Notice of Hearing as  
13 true and admitted and the Superintendent may take whatever action is appropriate pursuant to A.R.S.  
14 §§ 6-123 and 6-131.

15 Respondent's answer shall be mailed or delivered to the Arizona Department of Financial  
16 Institutions, 2910 North 44th Street, Suite 310, Phoenix, Arizona 85018, with a copy mailed or  
17 delivered to the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix,  
18 Arizona 85007 and to Assistant Attorney General Erin O. Gallagher, Consumer Protection &  
19 Advocacy Section, Attorney General's Office, 1275 West Washington, Phoenix, Arizona 85007.

20 **Persons with disabilities may request reasonable accommodations such as interpreters,**  
21 **alternative formats, or assistance with physical accessibility.** Requests for special  
22 accommodations must be made as early as possible to allow time to arrange the accommodations. If  
23 accommodations are required, call the Office of Administrative Hearings at (602) 542-9826.

#### 24 **FACTS**

25 1. Respondent Maribel Campos ("Ms. Campos") was employed as an escrow assistant  
26 from April 21, 2006 through her termination on March 30, 2009. Ms. Campos was originally

1 employed by Capital Title Agency ("Capital"), which was bought by LandAmerica Title Agency,  
2 Inc. ("LandAmerica") and merged into Lawyers Title Insurance Company ("Lawyers"). Capital and  
3 LanAmerica were and Lawyers is licensed by the Department as escrow agents.

4       2. After discovering that Ms. Campos' supervisor, A.S., paid a seller's funds to a third  
5 party unrelated to the escrow transaction, Lawyers conducted an internal audit. Lawyers' audit  
6 revealed that Ms. Campos and A.S. made unauthorized disbursements from escrow files to Ms.  
7 Campos, a relative of Ms. Campos', and five businesses with common account numbers of which  
8 Ms. Campos was the beneficiary. Ms. Campos disbursed the funds by voiding proper, checks and  
9 wires and transferring funds from other, unrelated escrow files. Under A.S.'s supervision and with  
10 her assistance, Ms. Campos and A.S. wrongfully diverted a total of forty-eight thousand, four  
11 hundred sixty-two dollars and eighty-five cents (\$48,462.85) from escrow files while employed at  
12 Capital, Landamerica and Lawyers, specifically:

13       a. Forty two (42) checks were wrongfully issued to Wilshire Capital Corporation  
14 ("WCC"), disbursing unauthorized funds totaling thirty four thousand, eight hundred forty one  
15 dollars and eleven cents (\$34,841.11). WCC was not a party to the escrow transactions and no  
16 authorization for the disbursements was found during the internal audit;

17       b. Two (2) checks were wrongfully issued to A. C., disbursing unauthorized funds  
18 totaling three thousand, thirty five dollars and twenty seven cents (\$3,035.27). A.C. was not a  
19 party to the escrow transactions and no authorization for the disbursements was found during the  
20 internal audit;

21       c. Eleven (11) checks were wrongfully issued to HSBC, disbursing unauthorized funds  
22 totaling two thousand, eight hundred fifty eight dollars and forty three cents (\$2,858.43). HSBC  
23 was not a party to the escrow transactions and no authorizations for the disbursements was found  
24 during the internal audit;

25       d. Nine (9) checks were wrongfully issued to Aspen Mastercard ("Aspen"), disbursing  
26 unauthorized funds totaling two thousand, five hundred forty six dollars and nine cents

1 (\$2,546.09). Aspen was not a party to the escrow transactions and no authorizations for the  
2 disbursements was found during the internal audit;

3 e. Four (4) checks were wrongfully issued to Rogers Acceptance Corporation ("RAC"),  
4 disbursing unauthorized funds totaling one thousand, nine hundred thirty six dollars and thirty  
5 six cents (\$1,936.36). RAC was not a party to the escrow transactions and no authorization for  
6 the disbursements was found during the internal audit;

7 f. One (1) check was wrongfully issued Ms. Campos, disbursing unauthorized funds  
8 totaling one thousand, eight hundred eighty three dollars and twenty six cents (\$1,883.26). Ms.  
9 Campos was not a party to the escrow transaction and no authorization for the disbursement was  
10 found during the internal audit; and

11 g. One (1) check was wrongfully issued to BME, disbursing unauthorized funds totaling  
12 one thousand, three hundred sixty two dollars and thirty three cents (\$1,362.33). BME was not a  
13 party to the escrow transaction and no authorization for the disbursement was found during the  
14 internal audit.

15 3. On March 30, 2009, Ms. Campos signed a Confession & Acknowledgement of  
16 Termination wherein she stated she understood that she had been terminated by Lawyers due to her  
17 embezzlement of funds, and that she agreed to reimburse those funds to Lawyers once the full  
18 amount had been determined.

### 19 LAW

20 1. Pursuant to Title 6, Chapter 7, of the Arizona Revised Statutes, the Superintendent  
21 has the authority and duty to regulate all persons engaged in the escrow agent business and with the  
22 enforcement of statutes, rules, and regulations relating to escrow agents.

23 2. By the conduct set forth above in the Complaint, Ms. Campos has violated statutes  
24 governing escrow agents as follows:

25 a. A.R.S. § 6-834(A) by failing to deposit and maintain all monies deposited in escrow  
26 to be delivered on the close of the escrow or on any other contingency in a bank,

1 savings bank or savings and loan association doing business in this state and failing to  
2 keep all escrow monies separate, distinct and apart from monies belonging to the  
3 escrow agent; and

4 b. A.R.S. § 6-841.01(A) by breaching a fiduciary duty as a trustee to the owner of all  
5 monies received or collected and held in escrow and by knowingly and negligently  
6 commingling trust monies with the escrow agent's own monies or with monies held  
7 in any other capacity.

8 3. Ms. Campos's conduct, as set forth above, constitutes acts, omissions, and practices  
9 which demonstrate personal dishonesty and unfitness to continue in office or to participate in the  
10 conduct of the affairs of any financial institution or enterprise and is grounds for removal and the  
11 prohibition of Ms. Campos within the meaning of A.R.S. § 6-161(A)(1).

12 4. Ms. Campos's violations of A.R.S. §§ 6-834(A) and 6-841.01(A) constitute grounds  
13 for the removal and the prohibition of Ms. Campos from participating in any manner in the conduct  
14 of the affairs of any financial institution or enterprise, pursuant to A.R.S. § 6-161(A)(6).

15 5. The violations, set forth above, constitute grounds for the Superintendent to order the  
16 removal and the prohibition of Ms. Campos from further participation in any manner as a director,  
17 officer, employee, agent or other person in the conduct of the affairs of any financial institution or  
18 enterprise, pursuant to A.R.S. § 6-161.

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WHEREFORE, if after a hearing, the Superintendent makes a finding of one or more of the above-described violations, the Superintendent may remove and prohibit Ms. Campos from further participation in any manner in the conduct of the affairs of any financial institution or enterprise pursuant to A.R.S. § 6-161(E) and may order any other remedy necessary or proper for the enforcement of the statutes and rules regulating escrow agents in Arizona pursuant to A.R.S. §§ 6-123, 6-131 and 6-161.

DATED this 15<sup>th</sup> day of July, 2010.

Lauren W. Kingry  
Superintendent of Financial Institutions

By Robert D. Charlton  
Robert D. Charlton  
Assistant Superintendent of Financial Institutions

ORIGINAL of the foregoing filed this 15<sup>th</sup>  
day of July 2010, in the office of:

Lauren W. Kingry  
Acting Superintendent of Financial Institutions  
Arizona Department of Financial Institutions  
ATTN: Susan Longo  
2910 N. 44th Street, Suite 310  
Phoenix, AZ 85018

COPY mailed/delivered same date to:

Lewis D. Kowal, Administrative Law Judge  
Office of Administrative Hearings  
1400 West Washington, Suite 101  
Phoenix, AZ 85007

Erin O. Gallagher, Assistant Attorney General  
Office of the Attorney General  
1275 West Washington  
Phoenix, AZ 85007

1 Robert D. Charlton, Assistant Superintendent  
2 Arizona Department of Financial Institutions  
3 2910 N. 44th Street, Suite 310  
4 Phoenix, AZ 85018

5 COPY DELIVERED/SERVED SAME DATE by  
6 Certified Mail, Return Receipt Requested, to:

7 Maria Abel "Maribel" Campos  
8 3431 East Fillmore Street  
9 Phoenix, AZ 85008  
10 Respondent

11   
12 #516129